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CLERK. U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: PML DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Hector Guillermo FARIAS-Becerra (D1)** **and** **Roxanna TIZNADO-Navarrete (D2)** Defendants.	Magistrate Case No. '07 MJ 2607 **COMPLAINT FOR VIOLATION OF** Title 8, U.S.C., Sec 1324(a)(2)(B)(iii) - Bringing in Alien(s) Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

That on or about **November 6, 2007**, within the Southern District of California, defendants **Hector Guillermo FARIAS-Becerra (D1) and Roxanna TIZNADO-Navarrete (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Quing LIN**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
~~Sara Esparagoza~~, United States Customs and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 7th day of **November 2007**.

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Quing LIN** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 6, 2007 at approximately 4:45 PM, **Hector Guillermo FARIAS-Becerra (D1) and Roxanna TIZNADO-Navarrete (D2)** made application for admission into the United States driving a 1990 blue GMC Sierra through lane #8 at the Otay Mesa Port of Entry. D1 and D2 presented themselves for inspection before a Customs and Border Protection (CBP) Officer. D1 gave two negative customs declarations and presented a DSP-150 Laser Visa as his entry document. D2 claimed to be a United States citizen and presented a California identification card and birth certificate. The primary Officer received a computer-generated referral. The vehicle and its occupants were subsequently referred to secondary for further inspection.

In secondary, a CBP Officer discovered a female individual concealed in a modified compartment behind the rear seat of the vehicle. The CBP Officer had to unlatch the rear seat back rest in order to free the female individual from the compartment. Further investigation revealed the female to be a citizen and native of China who has no entitlements to enter, pass through, or remain in the United States. She is now identified as **Quing LIN (Material Witness)**. All parties were referred to the San Ysidro Prosecutions Unit for further processing.

During a videotaped proceeding, D1 was advised of his Miranda rights. D1 acknowledged his rights and elected to submit to questioning without the benefit of counsel. During the interview, D1 made the following declaration: D1 admitted knowledge to a concealed undocumented alien in the vehicle he was driving. D1 admitted he was going to be assisted economically by an unknown man to help pay a debt of over $270.00 (USD) and additionally, he was going to receive extra money if he smuggled Material Witness into the United States. D1 stated he was instructed to drive the vehicle to an unknown location in the United States.

During a videotaped proceeding, D2 was advised of her Miranda rights. D2 acknowledged her rights and elected to submit to questioning without the benefit of counsel. During the interview, D2 made the following declaration: D2 admitted she was going to be paid $200.00 for smuggling two undocumented aliens concealed in an unknown location within the vehicle. D2 stated she did not know where she and D1 were going to drive the vehicle once in the United States.

A videotaped interview was conducted with Material Witness. Material Witness stated she is a citizen of China without legal documents to lawfully enter or reside in the United States. Material Witness stated arrangements were made before she left China with unknown people for her to be smuggled into the United States. Material Witness stated she was going to pay the sum of approximately $60,000.00 USD for the smuggling service. Material Witness stated her final destination in the United States was New York City where she was to reside with her relatives.